

Interview

FRED RICE

R-1

(shot 1)

00:01 QUESTION: Fred, could you give us some background on your very old kama'aina family? When did the first Rices arrive in Hawaii, in what function, and how did this come down to you?

00:06 RICE: Okay, well the—the Rices arrived in—around 1840, 41. And um, they were headed for Oregon, but because of the uprising of the um, the American Indian, uh, they were advised strongly not to go to Oregon. Which was a good thing, because the mission that they were headed for was massacred about half a year later. And so they stayed in Hawaii, and the first Rice, Harrison Rice, was sent to Hana, and stayed there for a number of years and **(00:54 ZOOM IN)** built that church there in Hana. And then because of some illness um, on his wife's part, they moved back to Lahaina. They stayed there for a little while, and uh ... moved to Oahu where he helped found the Punahou School. And there's a building there, Rice Building, which is part of—one of the old buildings there. Then he um, left the mission and moved to Kauai, and helped establish the Lihue Plantation. And uh, they were the first people to bring water from the wet side to the dry side and irrigate that. And—

01:37 QUESTION: This was Harrison Rice?

01:39 RICE: This was Harrison Rice. And then of course, his son, William Hyde Rice, the best known of his sons, was very um ... active in Kauai affairs and—and uh, brought the first Hereford cattle to Kauai, which were the first cattle—uh, Hereford cattle west of the um, the Rockies, um, and sent the uh, emperor of Japan a pair of white horses, which were the start of the white horses that you see in the—the emperor and his guard ride. And they were—those old people were very active. But my grandmother, who was a Baldwin, her ancestor Dwight Baldwin, moved to Lahaina. He was Dr. Dwight Baldwin. And the bal—that side of the family was also very active in politics, and—and community affairs and developing the Island of Maui, really. So my ... grandfather [BARKING] moved to um, Maui. And started off working for the uh, sugar plantation there. And um, because his wife was a Baldwin and there was some opportunity there. But after a while, he figured he wasn't spending as much time with his family as he would like, and he bought the old Cornwell ranch. And um, so the Rices—um, my end—branch of the family have been ranchers ever since.

(shot 2)

03:07 QUESTION: And who are we talking about now? That's—

03:11 RICE: That's Harold.

03:13 QUESTION: That's Harold.

03:15 RICE: Harold—Harold is—is um, William Hyde Rice's son. M-hm. And then of course, Harold's brother, Charlie Rice, was uh, the mover and shaker of his generation on Kauai, and he was a Republican, and they were both in the um, Senate at the same time. And uh, when my grandfather became a Democrat right after the second world war, because he felt that the um, party—Republican Party made a mistake not welcoming the AJAs with open arm, he felt politically and morally that he—that he preferred to become a de—Democrat, and was elected again. And uh, so uh, the story that I got from a conversation with Dan Inouye, that they would argue back and forth over policies and—and uh ... and he—Dan Inouye asked him one time, he says, What's the deal here? You know, you're a Democrat and your brother's a Republican; what's the deal? He said, Well, it's easy to understand; this way, we can control everything. But I—I'm sure that was said tongue-in-cheek, but maybe a little truth to that too in those days. \$

(shot 3)

04:29 QUESTION: Tell us something about yourself; your own birth, your parents, your education and what your career has been, your work life.

04:36 RICE: Well, my dad was [UNINTELLIGIBLE] Rice, who um, **(04:39 ZOOM IN)** decided after high school that going to college would just teach him how to drink and gamble better, so he uh, my parents—his parents took him on a world trip. And that was the extent of his education. He came back and worked on the ranch, and he was—he was uh, a hands-on ranch manager. And that was the way we were brought up. Uh, we—we spent all our summer vacations and Christmas vacations on a horse, working on the ranch. And um ... and um, I went to uh, Puna—high school, I boarded at Punahou School. And um, then from there, I went to New Mexico Military Institute in Rozwill for junior college. And I went there because they had the best polo team in the country, and we won the national championship. And they stopped their polo program as I was going into my junior year, and so I transferred to Cornwell, which had the next best polo team. And uh, we won a national championship there, but they also had a very good agricultural school. But little bit like my dad, um, I felt that um, what I was learning in agriculture there didn't really apply to Hawaii, and—and I wasn't really learning that much new. So I branched out into uh, marketing and agronomy and—and other things associated with livestock production, but uh ... and I got a really good education there. But because of my um, two years at New Mexico Military Institute, I was in the ROTC program at Cornell. And um,

actually because of that experience that I had at the military school, I was the uh, uh, commander of the corps of cadets there at Cornell in my senior year. And from there, I went to um ... uh, officer's basic training in El Paso, Texas. And I was going in for the [BARKING] three-year program and hoping to learn to get my pilot's license, but about halfway through the basic school, the—the Pentagon, I guess, had some budget problems and they ... asked if anyone wanted to just go for the six-month program, they could sign up here. And I think I ran over a whole bunch people getting there to the front of line. 'Cause I thought the military life ... was not really, you know, going to do me that much good at that time, so I came back home and um, I got a job managing the HC&S company uh, ranch, grove ranch on Maui. And I stayed there for about a year and a half, and I had the opportunity to go to uh, Kahuku Ranch, south point on this island. That the Damon Estate had just purchased that ranch from the Glover Estate, and it was um, two hundred and eighty thousand acres, bigger than the Island of Molokai, and uh, totally undeveloped. When I got there, they had two hundred and fifty uh, breeding cows. And when I left there, we had twenty-five hundred breeding cows. I stayed there for fifteen years and was able to um ... develop the pastures and put in the whole water system and everything. It was a great uh, it was a great fifteen years, probably the most productive period of my life. And the—at the end of the development here, uh, where we got into just uh, an operation maintaining what we developed, it just wasn't exciting enough for me. So I left and went on my own, and started um, ranching on leased lands wherever I could find them. And around 1983, uh, when Carter put the grain embargo in effect, uh, along with ... a lot of other ranchers, I went broke. And uh [BARKING], basically lost everything except a little fishing boat that I leased. And I started fishing, and so I ended up uh, running a charter boat out of Kona for ten years. And um, [UNINTELLIGIBLE] we set a lot of—we got a lot of world records, won a lot of tournaments. And I was very fortunate; my son was able to work with me for seven years of that ten-year period, and he now runs the boat. And uh, and he's doing very well at it. So I got back into ranching. After ten years of—of hard fishing, I—I was just plain burnt out. And ranching is really what I'm all about, so I got back into the ranching.

09:36 QUESTION: In 19—

09:39 RICE: Uh, around 1993, yeah, I got back into ranching. And uh—

09:43 QUESTION: And you also raised four kids.

09:46 RICE: Yes; I did that. \$

09:48 QUESTION: And your son is running the boat.

09:49 RICE: Running the boat, and I have three daughters; yeah.

09:51 QUESTION: And three daughters.

09:52 RICE: Yeah.

09:53 QUESTION: And how many grandchildren?

09:54 RICE: Seven in the latest count.

09:57 QUESTION: More on the way?

10:00 RICE: Um, probably a couple will have—couple of the younger girls will probably have. They've had—they ju—they both just had their first child this last year, so—

10:09 QUESTION: Are most of your kids around here?

10:11 RICE: Most of them, except for one daughter that's living uh, in Virginia now, because her husband is becoming a doctor uh, going through his internship. Uh, and hopefully they'll move back. Uh, but the rest of kids live and work here in the islands.

10:27 QUESTION: Not all on the Big Island, but ...

10:30 RICE: Well, yeah, they all live on the Big Island. My daughter Bonnie is with the Bank of—First Hawaiian Bank, and she commutes to Honolulu every day.

(shot 4)

10:39 QUESTION: Okay; now, the number one question. What was the genesis of Rice v. Cayetano? What started you on that?

10:50 RICE: Well, John Grollman is my attorney. **(10:54 ZOOM OUT)** Um, contact—uh, he—he had it in his mind that—that uh, preferences using federal funds, federal facilities uh, in Hawaii were be—were based on race, rather than need. And um, uh, John's a person who loves the law. His—he spends his spare time down in the law library. And uh, he looked for someone to be a client to um, go after all these uh, preferences based entirely on race, rather than need. And we had a whole variety of things. We—we went after Perfect Title Company, and uh, we sued them for false advertising, and we won that. And we—we that was bec—really because we needed some funds to carry on, but we didn't get—collect

attorney fees because they just disappeared. Uh, we went after the Kamehameha School admission policy after uh, Lokelani Lindsay had—had said that the outreach program, which included non-Hawaiians um, was no longer to exist. We went after that. And um, we went after the um, YMCA in Honolulu when they had Hawaiian classes limited only to people of Hawaiian ancestry. And I guess we probably went after the uh, AJA baseball team uh, when they would not allow uh, non uh, Japanese to participate, and they were using public—you know, state parks and public parks and so forth. And out of all of that, we were just attacking anything that was based on ancestry rather than need. And uh ... out of that, the um, election for the trustees of OHA uh, took on a life of its own. And uh, the YMCA uh, changed their policy, the uh, IRS said they were looking into the Kamehameha Schools admission thing, and we won our case against Perfect Title Company. And Rice ... the Rice case just took off; got a life of its own. And we just nursed it along, really. And uh, so that's—uh, it—it came out of the—out of the—

13:29 QUESTION: But were the two of you just shooting the bull one day when you first brought it up, or—

13:33 RICE: No; John was seriously looking for somebody, and he had actually approached my daughter who was working at First Hawaiian Bank. And of course, none of the companies uh, anybody that worked for anybody wouldn't have anything to do with it. I mean, OHA has a huge budget, and they spend it all over town. Nobody was gonna attack that. I turned out I was the perfect person. I answer to nobody. I work for myself, I um, I answer to nobody, and uh, because I have lived here, I'm the fifth generation of my family to be born here, my family has always been involved, and I have two grandchildren that are part-Hawaiian. So how do I tell them they're different than the others, or how do I tell the others they're different. It just—you know ... um ... uh, uh, based purely on ancestry, there—there is no difference. Based on need and ability and so forth, um ... that is the—the—the only—put it this way. If—if you have a need, you should get help. If you happen to be Hawaiian, well and good. So we didn't really feel we were taking anything away from anybody. What we were asking was that people in the same economic and social uh, situation of those that were receiving uh, government benefits uh, sh—that they should be included also.

(shot 5)

15:00 QUESTION: You know, I went to a party on the Kamehameha School grounds with a lot of Kamehameha School graduates, and they were all university graduates, and the OHA election was coming up. And it was after Rice v. Cayetano. And they were all asking me, all of these people of Hawaiian extraction, who should I vote for. Because they didn't know anything about any

of these candidates. And of course, just because I write about politics, I knew a little something about some, but most people don't know anything.

15:29 RICE: That's right.

15:30 QUESTION: And you were asking for the right to vote in an election which we all don't know anything about anything anyway.

15:34 RICE: Well—well, but the—the question was purely dis—uh, about discrimination at the voting box. It was the fifteen amendment, which is very simple and very clear. Uh, it—yes, I uh, a lot of people were asking me who to vote for. And uh, the—the—the problem with the OHA election is they really need a p—a primary. Because it's not only **(15:57 ZOOM OUT- 16:03 ZOOM IN)**—not only do they not have a primary, but it's a statewide election. In other words, everybody in the state votes for a representative from this district.

16:06 QUESTION: M-hm.

16:07 RICE: So it's wide open. Now, we—uh, we—we didn't—uh, it was not about the OHA election. It was about discrimination at the voting box. It just happened that OHA was—was in violation of the fifteenth amendment. W—it was not about Hawaiians. It was not about Hawaiian issues. Uh ... it was ab—just that—that I was not able to vote in an election for state officials. And there was no accountability—in that case, when you only vote for the use of state funds and s—uh, I mean, government funds and government uh, sponsorship, there—there was no accountability to the public, whose funds they were—they were using. So now—and—and the—the question of—of OHA's constitutionality comes up. The Rice case uh, made them constitutionally okay, because they—not only was OHA formed by the uh, Hawaii State Constitutional Convention, which consisted of all races, but now they're accountable to the general public. So ... the Rice case actually uh, strengthened OHA's constitutionality.

(shot 6)

17:31 QUESTION: But some of the other cases, for example, that you and John were testing, like the Kamehameha School admissions policy and the AJA baseball team, for example, those have a long history in Hawaii, and you were—in essence, the idea of AJA baseball existed in part because I think there was this huge population that came out of the plantation system where teams tended to be segregated by race and so forth. Isn't that kinda hypocritical? I mean, the plantation system established these kinds of things, and yet now—

18:13 RICE: That was before we were a state. You know, we—we're—we're governed uh, you know, the—the—the population of Hawaii decided to become a state. Therefore, you're under the United States Constitution. Okay. That's—that's what you wanted; okay, that's what you got. So to be consistent—we weren't picking on the Hawaiians, we weren't picking on anybody par—in particular. We were—we were saying that the principle of using government funds and government facilities based solely on race rather than need is unconstitutional. So e—either—either we're—if we're gonna be part of the United States and the constitution is the mother of all constitutions, then we either abide by it or we don't. We had nothing against all that. Now, it—uh ... all these things could be very—could easily pass muster if they would allow people in the same situation to participate. And the—you know, there was this one guy that—that wanted to play in the AJA baseball league, and they wouldn't let him.

19:21 QUESTION: First baseman.

19:22 RICE: Yeah.

19:22QUESTION: UH first baseman.

19:23 RICE: Yeah; so you know ... they're using—fine, go—go play on your own field. That's fine. But if you're gonna use uh ... a field uh, the government maintained and—and so forth, y—you just can't ... preferences should be based—anything to do with public funds should be based on need, and should include everybody. That's all we were saying. And um ... uh, let me give you uh, uh, uh, an example of um ... for instance, uh, let's say with the Kamehameha Schools. They can have a preference for Hawaiians, but if there's somebody ... some other person uh, child, say so—say uh, a family from when the plantations closed, and you've got, say, uh, a child of—of different ancestry than Hawaiian whose parents lost the job but he's a straight A student. And he—he wants to apply at Kamehameha Schools. Okay. Because of his economic uh, situation and because he has high grades to qualify ... shouldn't he be allowed to get in, rather than, say, a very wealthy Hawaiian uh, uh, Hawaiian kid who comes from a very wealthy family who can afford to send him to a private school. Because that's what it was set up to be. Now, in the um, in uh ... the book on Bishop, I can tell you, on page one fifty-four, you can see where uh, Mrs. Bishop saw that preferences in the future would not be allowed. And therefore, she worded ... her uh, directive to her trustees. She said uh, the children of Hawaii. She did not specify. (21:15 ZOOM IN) It was the trustees of the Bishop Estate that made it uh, purely uh, uh, based on an—admission based on ancestry. She saw that it would not be allowable. And it was so—the—so anyway, the whole—the whole point is that the—the Kamehameha Schools is tax-exempt. Okay now, you're talking millions of dollars to the State of Hawaii that the rest of the citizens do not

benefit from. You know, the ... so they just—uh, simply under the fourteenth amendment, they can't—they can't do that. That's simply unconstitutional.

22:05 QUESTION: [UNINTELLIGIBLE]

22:06 RICE: And so it—we—what we're doing is we're following the letter of the law, and there are ways to—to allow the intent ... to exist, as long as you make some compromise. And—and what I'm saying in—in the case of the Kamehameha Schools admission policy, uh, once you've gotten uh, a s—uh, an economic level uh, that you've established as—as people in need that need to go—that have the grades but do not have the income or the worthy-all to go to a good school, at that point, other kids h ... take the Hawaiians first, but take s—some of the other kids that are in the same situation, same economic social situation, that live maybe right next door, rather than take uh, people of Hawaiian ancestry who have the grades but who do have parents that could afford to send them to a better school. And if they did that, uh, the question would disappear.

(shot 7)

23:06 QUESTION: I think that's what—in the back of my mind, I think that's what that admission over on Maui was the beginning of.

23:12 RICE: Well, in that case, you see, in that case they did not know that the child did not have Hawaiian ancestry, because he had a middle Hawaiian name. Once they'd accepted him, had they rejected him purely on the basis of ancestry, the—they—they would go to court.

23:28 QUESTION: Right.

23:29 RICE: On that basis. What they did was avoid the court issue.

23:33 QUESTION: By letting him in.

23:35 RICE: Yes; by not kicking him out.

23:36 QUESTION: By not kicking him—

23:36 RICE: Once they found out—

23:37 QUESTION: [UNINTELLIGIBLE]

23:38 RICE: Yeah; right.

(shot 8)

23:38 QUESTION: Let me ask another devil's advocate question. Because I always an irony in the use of the fifteenth and fourteenth amendments to stop Hawaiians from having certain entitlements, certain affirmative action rights, when the fourteenth and fifteenth amendments were passed to protect in the post Civil War period, to protect freed Black slaves who were being discriminated against, a very small minority of the population. A minority of the population that has suffered greatly since—in part from Western diseases and all sorts of other things, but I mean, who suffered greatly in loss of land and so on. So it seems to be protecting guys like you and me and these middleclass people instead of the people that it was supposed to be protecting. Just the irony.

24:40 RICE: Uh, that—that—uh, that's not a true statement. The—the—

24:43 QUESTION: [UNINTELLIGIBLE]

24:44 RICE: --the fifty per—fifty percent of the Legislature for fifty years after uh, statehood was uh, was more than—uh, fifty percent of the Legislature for thirty or more years after statehood was composed of Hawaiian or part-Hawaiian people. They had a say in our legislation. They were never um, prohibited from using a public facility. Uh, they had—their—the comparison of—of the—the plight of the Hawaiian is not even comparable to the—to the Black population of our country. It's not even close. They were never discriminated against in public facilities, in schools. Now, who in Hawaii doesn't want to see the Hawaiian culture flourish? And who in Hawaii doesn't have Hawaiian friends and enjoy having Hawaiians or so forth? That—it is not even a—not even close comparison to that. Their—their um ... uh, part of their—their plight is—uh, with the exception of disease. Now, in the case of disease, because of their isolation from the world in the early days, uh, the disease had a pre—a racial preference. And so in that case, yes; you know, they should um, uh, maybe have some ru—programs. But uh, uh, what if a guy—you know, a kid who's the neighbor has the same problem. He should also be included in the program. But basically, the Hawaiians have assimilated into ... the population, they have the choice to. There um, is nobody keeping 'em out of schools, it's—it's—as I told the Hawaiian kids that—uh, I spoke at many high schools when the Rice case was going on. I said, you know, you just gotta get up and get going. I said, you have people coming to this country with nothing but their shirt on their back, and they work hard and they—they get somewhere. I said, you folks can start a business, and only your friends and family will keep you going for the first two years. This is your home; you know the ins and outs. But because of the ... and I—I really uh, you know, hesitate to discuss my opinion on Hawaiian issues, because ... the Rice case was not about Hawaiians or Hawaiian issues. It was purely discrimination at the

voting box. And so uh, in my opinion—and I—my uh, surprisingly, a lot of my support came from the Hawaiian community. Uh, the only negative feedback that I got were newly arrived uh, bleeding heart liberals from the mainland. You know, Hawaiians were just cheering me on. Because what I said to them was, you're just as capable as anybody else in getting along and being successful in this world. I've yet to meet, you know, a Hawaiian that wasn't as smart or more athletically uh ... equal to me or—or better. And uh, certainly uh, their artistic talents are—are far above anything that I could even think of. But um, that's what I was saying. You're—you're just as capable as anybody of—of being successful in this world. You know, y ... **(28:20 SHOT CHANGE)**

(shot 9)

28:23 QUESTION: Freddie, you grew up on [UNINTELLIGIBLE] so you had to know a lot of Hawaiian cowboys and paniolos and these were people you knew. Did you know anyone in the 40s and 50s who—Hawaiians who opposed statehood and looked back with fondness on the monarchy and said they didn't want any part of statehood?

28:50 RICE: Uh, not really. But the atmosphere that I grew up in on—the ranch were mostly Hawaiian cowboys and their families. And my playmates were all pretty much Hawaiians during the summertime. During the school time, of course, I had to ride on the bus with all the plantation kids, you know, uh, uh, a big mixture. But the [CLEARS THROAT] old-timers and the families that uh, I knew at that time um, were not politically active, really. And uh, [CLEARS THROAT] there was just really hardly any discussion. They were—they pretty much all Republicans and sort of went along with um, you know, what my family was doing. And then when my uh, my grandfather became a Democrat, they—they were loyal to him. And uh [CLEARS THROAT], and my grandfather spoke Hawaiian, **(29:48 ZOOM IN)** and I used to go on the campaign trail with him once in a while, and he'd go to Keanae and Hana and Keaukeo School and he'd speak only in Hawaiian for an hour or so, you know. So he—he was um ... so they—they just went along with—they—they understood that he knew uh, things that they didn't know, uh, better educated in—in politics and so forth, so um, my guess is that they went along, but they—they didn't voice their um, opinion that I know of. And then you know, after school, I—I worked at the Kahuku Ranch and uh, I lived with uh, twelve Hawaiian families there for ten years in a sma—very isolated situation. And then after Kahuku Ranch, I moved to Poanahulu, which again is composed of six or seven major Hawaiian families. And now in ranching on my own, living here in Kamuela, the people that I hired from time to time to help me are all Hawaiian cowboys. So my—I have been with ... associated with Hawaiians more than any other race, just by coincidence. Not really by choice or not by choice. And so [CLEARS THROAT] you know, I

[CLEARS THROAT] ... I um, have really good feelings of them. Uh, and uh, we—we—all our orders and so forth were always given in Hawaiian on the ranch, and they—they s—we still are. And when I go on the ranch here, a lot of the—it is uh, you know, a form of pidgin Hawaiian. I took five years out and went to Punana Leo in the University of Hawaii uh, community college Hawaiian classes to learn to speak it properly. And uh [CLEARS THROAT], from lack of practice, I fall back into pidgin Hawaiian a lot. But uh, m—my ha—and—and you know, right up there on the shelf it's a hundred and twenty uh, books on Hawaiian history, and I've read 'em all. I'm very fond of my Hawaiian friends, and my heroes of my youth were all Hawaiian people, just because that's—they were there and that's who I was with. And uh, I don't claim to be Hawaiian or—or ... or anything of that nature, but um ... certainly uh, the Hawaiian people have been a huge influence in my life and—and ... have a lot to do with who I am today.

(shot 10)

32:07 QUESTION: Where do you think they stand in terms—I mean, we've been talking to some Hawaiian activists. You know, Kekuni Blaisdell and Bumpy Kanahale and ... some of them go so far as to say that the whole overthrow was illegal and statehood was illegal, and the United Nations things that say that we should have had three votes at statehood, and that if the vote were held again today there'd be no way the Hawaiians would be for statehood, and all that. Where do you as a person think Hawaiians should be in terms of statehood? Should there be a special place for them, certain ways—where are they in the context of statehood, do you think?

33:00 RICE: Okay; well, now you know, you're getting me back in the Hawaiian issues, which is not associated with the Rice case.

33:05 QUESTION: Right; right. I know that—

33:06 RICE: As long as we—so—

33:07 QUESTION: [UNINTELLIGIBLE]

33:08 RICE: So I have a—my—my opinion is that they're probably all a little bit right, and you know, uh, sort of um ... uh, and those that are sticking with it. You know, but I—I would question um, that given a vote to become a Hawaiian nation divorced from the United States, as versus continuing on as a state, that—that the um, statehood would—would win out. You know, when they—when they really stop to think about it. And unfortunately, um ... uh, you know, so—and as in a lot of case, you have the—the—the silent majority isn't being heard. But I think that when they really thought about it—now, I—you

know, I understand uh, I—I sympathize and understand where they're coming from. Personally, I think we're probably better off as a state. But if I had to choose be—between being ... a United States citizen or a Hawaiian citizen, (34:14 ZOOM IN) if I had to choose one of them, no question I'd choose to be a Hawaiian citizen. You know, this is—this is my home, this is my country, and these are my people. I mean, when I say my people, the—the Portuguese, Filipino and Japanese, Chinese kids that I grew up with, you know, that's—that's who I look at as the people of Hawaii. And uh ... no question, I—yeah, I feel we're in the sovereign state of Hawaii. That's the way I look at it. And uh, you know, during the um, statehood time in 1959, um [CLEARS THROAT], I was a very neophyte as far as politics, and I just kinda listened and didn't really advocate anything. But my grandfather and former Governor Stainback were leaders of the Commonwealth Party at that time. And—and I think the reason that they wanted to stay a commonwealth, they could—they could now vote for the president and they could get federal funds for highways and schools and so forth as a commonwealth. But as a commonwealth, we would sort of maintain our difference or integrity as a ... a state different from the rest of the United States.

(shot 11)

35:34 QUESTION: Yeah, I don't know about your grandfather, 'cause I don't know that much about him. But ... Ingraham Stainback was also scared to death of Communists.

35:43 RICE: Yeah.

35:44 QUESTION: As I remember. He—

35:44 RICE: Yeah.

35:44 QUESTION: He hated the unions.

35:45 RICE: Yeah.

35:26 QUESTION: And he was certain that the ILWU had an awful lot of—and I think that was in part, part of his—

35:52 RICE: Part of it.

35:52 QUESTION: --thinking. I don't know about your—well—

35:56 RICE: Well, they liked to—they—you know, and they—and those guys in the—those days pretty much controlled Hawaii. You know, they—they—they

had the politics down. It was really an oligarchy at that time. And uh, it would have changed, uh, just as it has changed. But at that time, they—they liked the way everything was being run, because they were running it. \$ You know. And that's only human nature, you know. So uh, they felt as a commonwealth, they could probably hang in there in and uh, and continue to—to keep the power that—that they had. And uh, I don—I'm not—I'm not—I don't apologize at all for that, for my ancestors feeling that way. That's the way anybody would have felt in their shoes. It was a different time. And things were different then.

(shot 12)

36:44 QUESTION: Did you ever hear them make that argument? I mean, the person I remember hearing about it most was not a Rice but was a Dillingham. Walter Dillingham was sort of the last of the anti-statehood ... you know.

36:58 RICE: Yeah. Well now, the Dillinghams were not missionaries.

37:00 QUESTION: Right.

37:01 RICE: And they came—they came in—they were mercenaries. You know, they came here to—to do business. And they did do good business. So I'm sure they—they uh ... you know, wanted to keep their position. And I'm not sure how statehood would have influence that, but um ... anyway, it—it turned out statehood did real good for the Dillinghams. You know, the—the land prices went up and everything, and they were situated really fine. You know, I—uh, I—I like to uh, compare how the—how I can sympathize, and I tell my uh, non-Hawaiian friends that you can sympathize with the Hawaiians trying to hold on to their preferences. For instance, what if someone under the fourteenth amendment said that the kama'aina rates were unconstitutional. We'd all be up there screaming bloody murder, wouldn't we? It's just human nature to hang onto what you have. You know, I don't blame them for you know, fighting and hanging on to—to preferences. I d—I believe that preferences are ... holding their young people back, because they expect, you know, the preferences, they uh, expect the handouts, so to speak, uh, instead of having to just wake up and get educated and—and do—you know, work hard and do—do what it takes to get along the world. Um, the—the ... the part about education, which is so important to—to our kids here in Hawaii especially, is it gives them a choice. And this is what I advocated when I talked to the high schools during the—the period of the Rice case. Is that my brother and I basically have the same background, same education, same [UNINTELLIGIBLE]. He chose to become a banker, and I chose to become a fisherman and a rancher. So these kids grow up, and they don't have the education, they don't have a choice. They're going to have to go for the—the lower paying jobs and so forth. And some of them may choose to. I—I mean,

I—I can see a guy rather uh, that would rather work construction outdoors, driving big equipment, than sitting in an office in downtown Honolulu. You know, that—but uh, with an education, that’s his choice. And so to me, the—to me uh, that’s the key to the—to the Hawaiian issue problem. Is educate ‘em, and not only educate ‘em how to read and write, but [CLEARS THROAT] in some form of—of business or [CLEARS THROAT] college ... um, education where you—you teach them the benefits of an education, not just educate them. Teach ‘em that they have the tools to do what with. Uh, I think that’s lacking in our schools. And uh, the other thing is the—for the Hawaiian culture, I believe the language—the immersion program and the teaching of Hawaiian language, which includes non-Hawaiians as well as Hawaiians, is what’s going to advance and keep the Hawaiian culture going. Because who can speak Hawaiian and not promote and—and defend Hawaiian culture. And I think it’s our culture, the Hawaiian culture that needs to be promoted. You know, we get tied up—lot of the actions get tied up in uh, you know, what we call stones and bones. And that’s—that’s all part of it, for sure. But what—the real the thing that—that all of us, Hawaiians and non-Hawaiians, have to do is um, promote the—the culture. And if you look around at some of the huge uh, cultural events, they’re pretty much promoted by non-Hawaiians. The financial stage of it. And I think the—the Hawaiian community should embrace uh, the non-Hawaiians into their culture, because they have a lot to contribute.

(shot 12)

41:21 QUESTION: Given the Supreme Court’s decision in *Rice v. Cayetano*, it wasn’t even close, I mean, seven to two—and the other challenges to Hawaiians-only bills, entitlements, aren’t Hawaiian activists correct in arguing that statehood was bad for Hawaiians? Because it’s under the fourteenth and fifteenth amendments of the national constitution that some of these things are getting knocked down and more of them appear will be knocked down.

41:53 RICE: Well, right on that bookshelf, I have the Hawaiian constitution. The preamble to it is word-for-word the same as the United States Constitution. Equality for all, basically. It’s the same preamble, exactly. Even the Bayonet Constitution, you know, which is—is controversial in itself, because the preamble is—is uh, equal treatment for all. And yet it spells out something that isn’t. But uh ... it’s uh, it’s basically the—the same constitution. What—what the Rice case did was say, wait a minute; you’re not obeying the law. That—that’s what we—that’s all we said. We’re not—we didn’t try to change it in any way. We just say, wait a minute, this is the law that—that the Governor, when he took office, swore to uphold the Constitution of the United States. And he didn’t do it, because he allowed the uh, the violation of the fifteenth amendment in the case of

the Rice case. [TELEPHONE] So that's—that's um ...where you know, I'm coming from.

43:07 TELEPHONE RING

[INTERRUPTION]

43:24 END OF TAPE

[END]

Interview

FRED RICE

R-2

(shot 1)

00:05

[GENERAL CONVERSATION]

00:45 RICE: You know, in the five—I don't know if you want to touch on this. But in—in the five—and I probably would ... probably shouldn't. But in the five—five years that I was around constitutional lawyers and discussions, the Congress ... the Hawaiian Homes Commission Act is unconstitutional. They had—there's no—Congress had no right to give ... uh, public lands away based on ancestry. And these cases that have challenged that have—the issue has never been challenged. What's—what's been challenged is the—the standing of the people bringing up the issue. But sooner or later, that's going to—

[GENERAL CONVERSATION]

02:04 RICE: Anyway. But um, the—so you know, the Hawaiians say, well, gee, what will happen? I said, well, it's a—Hawaiian Homes Commission is a State ... department—de—uh, State department.

[GENERAL CONVERSATION]

(shot 2)

02:24 CU QUESTION: So start from where you were talking about being around—

02:27 RICE: Okay; well—

02:29 QUESTION: --constitutional lawyers.

02:30 RICE: I was around the constitutional lawyers for about five years, and listening to the discussion, um, and they have wanted me to carry through with Hawaiian issues. And even they forgot that it was not about Hawaiian issues. Uh, and I refused to do so. But the ... point was brought up that the Hawaiian Homes Commission Act is unconstitutional. The—the Congress had no right to give lands to a group of pe—people based on ancestry. Public lands, given away to a race of people, based on ancestry. And um, so you know, a lot of people have asked me what, you know, what will happen. Well, the Hawaiian Homes Commission is actually a State uh, de—uh, department under the State. The uh, commissioners are appointed by the governor. So those people that have Hawaiian home leases would still have a state lease. And the scare tactics you've

heard about all the gra—the kupunas are all gonna be thrown off their land and out of their houses; no, they still have a—they have a state lease. So my advice to the Hawaiians is, start putting some Hawaiians on the map and giving out ... giving out land as fast as you can, so that every Hawaiian has a state lease. Because someday, it's gonna be challenged. And the issue has—has been brought up to court over the last few years, but they—it's always been um, thrown out of court based on the standing of the people bringing the issue. But someday, somebody with standing is going to um ... force the court to make a ruling on that issue. But I think it would be—in my humble opinion, would—would be good, because now if you have a Hawaiian Homes lease, it would transfer over to being a state lease. Blood quantum would not be a problem. You could mortgage your lease to the bank. You could—you could pass it on, sell it anybody. Because the blood quantum thing would be taken out of the picture. It'd be a—maybe a benefit. But before they do that, personally I'd like to see every person with Hawaiian ancestry get a lot somewhere.

(shot 3)

04:53 CU QUESTION: Tell me about the—I mean, one of the things that's happened on the mainland of course is the degree of sovereignty for native Americans and that's essentially what the Akaka Bill would attempt to do you know, for Hawaiians, depending on your point of view about the Akaka Bill. Do you have any thoughts on the Akaka Bill, whether you're for it or against it, whether you think—

05:15 RICE: Uh, uh, the—

05:16 QUESTION: --it promises anything?

05:17 RICE: In my opinion, the Akaka Bill is all about bringing gambling to Hawaii. It doesn't really accomplish any of the things that—that um, you know, uh, sovereignty, recognition; it doesn't accomplish any. Ev—uh, and furthermore, in the Rice case, in the—in the um ... the statements made uh, on the Rice case, uh, the argument was the Supreme Court justices define the Hawaiians as a race. So any—the Akaka Bill would then have to—they would either have to change the Rice case ... or the Akaka case. You couldn't have both, because in one you're saying this is a political group. And you've already got an opinion from the Supreme Court of the United States that, no, it—it is a race of people. No different than the Irish and the Portuguese and ... whoever. So it's not gonna pass muster on that basis alone. And the Hawaiian community is deeply divided

on it. And uh, in my humble opinion, I don't think that Dan Inouye will allow a Republican administration and a Republican governor to take credit for passing the Akaka Bill. And uh, I thi—I think it's a—it's toast. Um, and—and it should be. It's a bad bill. And it—and what it does—and it—and it—and we uh, to people I say, oh, it's just about gambling. And they say, well, it specifically says in the bill it's not about—the—the gambling, it will not be allowed under the—the conditions or whatever uh, in the bill. But once—uh, if the Akaka Bill were to pass and the Hawaiians would have their tribal—so-called tribal lands, they could then sue the State in a federal court to do as they wish with their nation and their land. And that's how they could bring the gambling in. Now, when I was fishing, one of my clients was an Odetta Indian who had the first and most successful Indian casino. And he was down here consulting with the Hawaiians. And he—he—this is how he explained they would get the gambling in, and they would run the gambling. If there's gambling in Hawaii, I would prefer the State do it. Because then they could get the tax revenues from it. If you have the Hawaiian Nation doing it and they have the same protections as the tribal nations, that money goes to them, and I believe that they are not organized well enough to hold off the big money and the Indian ... organizers that would come here and help them set up and everything. And I believe the Hawaiians would get the menial jobs, the—the money and all the—the big stuff would disappear. And the State wouldn't benefit as much. They would uh, benefit from the economic um, restaurants and travel and all that, but the—if—if there is gonna be gambling, I prefer it to be the State that—that runs it.

(shot 4)

08:40 QUESTION: If not the Akaka Bill—and again, I'm sorry, I got you talking about Hawaiians issues. But you can hardly avoid that in this case. If not the Akaka Bill, where do you see the Hawaiian sovereignty movement going in the context of statehood and American citizenship? Do you see any future for the—

09:00 RICE: It's dead. The Rice case killed it. I think even Mililani will admit that the Rice case killed sovereignty. Because they define the Hawaiians as a uh, as a race. Now, that's not to say that here in Hawaiian—in Hawaii we shouldn't all be Hawaiian at heart. You know, we should promote—I mean, that's what we are, this is where we live. And we should—the Hawaiian people and—and the others should embrace each other in a common effort to keep Hawaii Hawaiian. We should look our—at ourselves as a sovereign State of Hawaii. And uh—

[INTERRUPTION]

09:58 QUESTION: Okay; let's try it again. Where do you see sovereignty going in the context of statehood and American citizenship?

10:06 RICE: Okay. I—I think—I think that the sovereignty uh ... as a sovereign nation is dead. You know, the Supreme Court justices in the arguments in the Rice case uh, define the Hawaiians as a race. Not a political en—entity. And um, I think that even the—the extreme activists uh ... like Mililani Trask and so forth will ad—will admit that sovereignty is pretty much dead. But I see no reason that—that Hawaiians and non-Hawaiians in Hawaii should not embrace and promote the Hawaiian culture. You know, that's—that's the beauty of being here, it—it's uh—and I don't—I don't really know anybody that doesn't embrace the Hawaiian culture and wish the Hawaiians well. And I think it um, uh ... you know, very important that uh, that we join hands, everybody in Hawaii, and keep Hawaii Hawaiian.

(shot 5)

11:08 QUESTION: Mililani Trask, who we've just mentioned, has referred to you and Thurston Twigg-Smith as a new missionary gang doing the work of your grandfathers did in the overthrow and now you guys are doing it in regard to OHA and [UNINTELLIGIBLE] and sovereignty and so on. How do you respond to that charge? [UNINTELLIGIBLE]

11:37 RICE: Yeah. [CHUCKLES] Well, um, my family uh, was not in favor of annexation. But because of the social, economic structure of that time, they did not—they were not activists against it. But they voiced their opinion that they were not in favor. They were in favor of the Rices, the Baldwins, um ... and uh ... which is the root of my family um ... on record as favoring maintaining the Kingdom. My um ... Harrison Rice, my great-great-grandfather, you know, gave up his um, citizenship and swore his allegiance to the—to the King of Hawaii, as did the—my ancestors on the Baldwin side of my family. And they—they would have uh, they did not—they were not part of the group pushing for annexation. Now, they were—they were upset with some of the corruption and so forth that was going on at that time in—in the—in the government, which was uh, you know, during Kalakaua and Liliuokalani's time. But they were—they were working to correct it, rather than to you know, throw it out ... the window. And so they—but they got caught up in the times, and—and you—you gotta remember, the Rice and the Baldwins at that time were agriculturalists. We were

out there, you know, in—in the field and uh, even like the farmer and rancher today, we didn't get embroiled in all these meetings and things that were going on, you know, in downtown Honolulu and so forth. And they were asked their opinion, and—and they gave it, but they—there was no great activity, 'cause they were busy people in those times. And um ... in my case, uh ... you know, I—I embrace the Hawaiian culture and—and the Hawaiian uh, lifestyle, the Hawaiian language. Um ... and so I—I don't feel that—that I'm a part of—part of um, the annexation gangs, so to speak. I know had I been uh, alive at that time, knowing what I know now, uh, and I'm—I'm not in those times, and those times were different, but I would certainly have—have favored Hawaii remaining you know, the Nation of Hawaii. As I said earlier, if—given the choice, if I had to choose between a citizen of Hawaii or a citizen of the United States, there's no question I'd choose to be a citizen of Hawaii.

(shot 6)

[GENERAL CONVERSATION]

14:36 QUESTION: There's a question that a lot of people have asked, and a lot of people have a misunderstanding of what happened to all the Hawaiian lands.**(14:40 ZOOM IN, ZOOM OUT , PAN DOWN AND UP)**

[INDISTINCT CONVERSATION]

14:54 QUESTION: What's happened to Hawaii's lands? Stolen—you know, it was stolen by Rices and Baldwins and Wilcoxes and all those people. You know that.

15:03 RICE: I think that—I think that maybe some of it was going on, but I can—I can tell you that the Rice family purchased any land that they have. None of it was taken by adverse possession. And um ... but this is what I—this is what I think when they say that the—the missionaries have all the land. If you were to take the Campbell Estate, which is probably close to a hundred thousand acres; if you were to take the Hawaiian Homelands, **(15:30 ZOOM OUT)** which is somewhere between two hundred fifty and three hundred thousand acres; if you were to take the Parker Ranch, which is two hundred thousand acres; if you take the Kamehameha Bishop Estate, which is two million acres ... if you take the Liliuokalani Estate, which is close to a hundred thousand acres ... what Haole estate has lands like this? Who's got the lands? It's not the Haoles. The Hawaiian estates control the large percentage of non-State lands. And it's—sure,

it's the alii. So when you have, you know, the poor-me Hawaiians uh, screaming about their lands being stolen ... it's not just the missionaries, it's the alii. Their own alii, their—their estates, that's where the land is. You know, they ... it—it—I guess Castle and Cook, maybe, and A&B are probably two of the larger um, non-Hawaiian uh, landowners. But uh, you know, Ulupalakua Ranch, Kaunalu Ranch, Hana Ranch; tho—those are all purchased. Nothing was taken by adverse possession.

17:05 QUESTION: But they were purchased at fairly good prices.

17:09 RICE: The prices of that day. See, the ... and—and it wa—and they were not just purchased from Hawaiians. They were purchased from Chinese and—and—and other uh, nationalities that had purchased and put together uh, tracts of land. And you know, um, I—I give you a good example. Nelson [UNINTELLIGIBLE] um, told me one time, he says, Gee, Freddy, you know, this piece of lava land there that there's about four nice houses on. He says, you know, I sold that just to pay my bill at the store. But he said, I can't even grow one sweet potato on that land; it's all lava. And today, my grandchildren, they're really upset at me because they see these nice homes on this land. But how was I to know? It did me no good. I owed some money at the store ... the Chinese uh, man who owned the store said he would take care of my bill if I would give him this land that I couldn't even raise one sweet potato on. So y—you have to consider the times. And I—I don't say that they weren't taken advantage, that—that maybe uh, a person who was not from Hawaii could see ... the future, having seen what had happened in other lands. That someday, things would change. You know, I'm—there—there are probably lot uh, probably more sad cases of—of—of a Hawaiian maybe being taken advantage of by people that were more worldly. No question. But um, what were you to do if you lived in those days and you had the opportunity to acquire some ranchlands. You know, just the uh, same as anybody today that goes around a subdivision looking for the worst house they can find, buying it, renovating it, and—and selling it. You know, so the—the—you know, the—the kids of the guy who sold that house said, Dad, look what you did. You know. Uh, um, Monty Richards' kids um, will probably get after him someday for selling his air space where w—windmills are so cheap. But all that wind ever did was m—m—you know, you blow our raincoat under our horse and get us bucked off in the morning. That wind ... meant nothing to us. But you know, he sold that air—that space to somebody. Who would have thought? And he probably sold it too cheap, you know, fifty years from now. But you have to consider the times, I think.

19:57 QUESTION: They put new generators in the place, haven't they?

20:00 RICE: Yeah, whatever. You know, whatever. But I mean—

20:02 QUESTION: Yeah; yeah.

20:03 RICE: You know, who would ever thought you would be selling the land—the air over your land.

20:07 QUESTION: Yeah.

20:08 RICE: You know. So I think you have to take things in the uh, the context of the—and human nature. You know, just that's how it is, that's how it is. Lot of the people, the—for instance my—my folks, the missionaries and—and um, you know, Gail's uh, folks, the Irish, they came here because somebody took advantage of them. They were poor, they had to move to a, you know, a better place where they had an opportunity. And um, so they took advantage of somebody, and on and on it goes as time goes by.

(shot 7)

20:47

[GENERAL CONVERSATION]

- (b-roll 1)** 21:20 Shot of hands.
- (b-roll 2)** 21:45 random moves , pans zooms focus pulls while subjects talking.
- (b-roll 3)** 22:19 wide angle production shot, tilt from hand to face.
- (b-roll 4)** 23:47 Wide angle and room tone.
- (b-roll 5)** 24:40 subjects books, him looking at books.
- (b-roll 6)** 29:30 walking on lanai
- (b-roll 7)** 32:00 wide angle living room
- (b-roll 8)** 33:41 tilt up form table, subject in chair 34:44 end of tape

Fred Rice
R-2
Page 8